

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

XIONGEN JIAO, an individual, QIANJI JIAO, an individual, ZHONGHUA YI, an individual, PENGFEI ZHOU, an individual, XUAMEI ZHOU, an individual,

Plaintiffs,

vs.

NINGBO XU, an individual, and LCL COMPANY, LLC, a Texas Limited Liability Company,

Defendants,

and

DONGTAI INVESTMENT GROUP, LLC, a Texas Limited Liability Company,

Nominal Defendant.

Case No.: 4:19-CV-01848

Judge: Hon. Keith P. Ellison

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

BEFORE ME, the undersigned authority, on this day personally appeared Fan Chen, who, being known to me and duly sworn, upon oath deposed and stated as follows:

1. My name is Fan Chen. My business address is 10370 Richmond Avenue, Suite 850, Houston, Texas 77042. I am over the age of eighteen (18) years, of sound mind, and competent to make this affidavit. I have personal knowledge of every fact in this affidavit, and the facts are all true and correct to the best of my knowledge.

2. I am an attorney at Mosaic Paradigm Law Group PC and formerly was an attorney at Nguyen & Chen, LLP. At all relevant times, including the year 2021, until March 17, 2023, my firm represented Qianju Jiao, Jiatong Yu, and Xuanmei Zhou (collectively, "Members"), who hold membership interests in Dongtai Investment Group, LLC ("DIG").

EXHIBIT

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3. On August 5, 2021, Michael S. Udayan, the court-appointed receiver for DIG at the time, and the Members entered into that certain Allocation of Insurance Proceeds Agreement (the "Allocation Agreement"), agreeing to a specific allocation of the Insurance Proceeds to pay DIG's remaining creditors. *See* Allocation Agreement at Section 1, a true and correct copy of which is attached as Exhibit 1 to the Objection.

4. On November 7, 2021, Mr. Udayan forwarded to me an email chain between him and one of DIG's creditors in which he successfully negotiated a settlement of DIG's debt with such creditor. I responded to such email by congratulating him on his successful negotiation. In response to my email, on November 8, 2022, Mr. Udayan sent an email stating that "all my bills, and salary have been paid and Included (sic) in the final total." Exhibit 5 to the Objection is a true and correct copy of this email chain between Mr. Udayan and me.

5. On December 8, 2021, Mr. Udayan sent an email to me containing a screenshot of DIG's bank transaction history and stated:

"The Dongtai account balance currently is \$1,704,847. I am still negotiating a couple of checks, which are included in the math but the checks have not been mailed to get the maximum share for your partners. Presently I can safely send a check for \$1.5 million and leave \$204, 847 for the next 30 days for any unforeseen (sic) charges, etc. and subject to approvals."

A true and correct copy of the email is attached as Exhibit 6 to the Objection.



Fan Chen

SWORN TO AND SUBSCRIBED BEFORE ME this 28th day of March 2023, to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas

My Commission Expires: 07/17/2023